

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

85 FLATBUSH RHO MEZZ LLC, et al.,
Debtors.

85 FLATBUSH MEZZ LLC,
Plaintiff,

- against -

TH HOLDCO LLC as assignee of 85 Flatbush
Avenue 1 LLC, in its capacity as the Debtor's
Prepetition mortgage lender to 85 Flatbush RHO Hotel
and 85 Flatbush RHO Residential,
Defendant.

Return Date: August 10, 2022,
2:00 p.m.

Responsive Papers: Aug. 3, 2022

Chapter 11
Case No.: 20-23280-RDD

Adversary Proceeding
Case No. 7:22-ap-07022-RDD

TH HOLDCO LLC'S NOTICE OF MOTION FOR JUDGMENT ON THE PLEADINGS

PLEASE TAKE NOTICE that, upon the attached Memorandum of Law in Support of Defendant TH Holdco LLC's ("TH Holdco") Motion for Judgment on the Pleadings Pursuant to Fed. R. Civ. P. 12(b)(1), (c), and (h)(3), the Declaration of Emilie B. Cooper, dated June 27, 2022, and all exhibits thereto, TH Holdco will move this court, Hon. Sean H. Lane, United States Bankruptcy Judge, United States Bankruptcy Courthouse, Room 701, One Bowling Green, New York, New York 10004-1408, on August 10, 2022, at 2:00 p.m., or as soon thereafter as counsel can be heard, for an order dismissing the above-captioned adversary proceeding for lack of subject matter jurisdiction pursuant to Rule 12(b)(1), (c), and (h)(3) of the Federal Rules of Civil Procedure, made applicable here by Federal Rule of Bankruptcy Procedure 7012, or in the alternative, abstaining pursuant to 28 U.S.C. § 1334(c)(1).

Dated: New York, New York
June 27, 2022

FRIED, FRANK, HARRIS, SHRIVER
& JACOBSON LLP

By: 
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